

From: [Calderon, Wanda](#)
To: [Newton, Jonathan](#)
Cc: [Kluesner, Dave](#); [Gottesman, Larry](#); [Dolph, Becky](#); [Hope, Brian](#)
Subject: RE: Scott Pruitt/President Trump FOIA
Date: Tuesday, April 11, 2017 12:23:00 PM

Hello Jonathan,

Hope you're doing great and thanks for the guidance. I suppose I'll take it from here. To address your ?? regarding the case number, it is EPA-R2-2017-005412. I did receive guidance involving union to union communications versus union to agency and vice versa. I also have the benefit of Mitch Cohen's guidance with respect to privilege.

And yes, I totally understand the herculean task of FOIA processing (oy) – I myself am being pounded like a veal! Take care Jonathan.....

Wanda Calderon
Government Information Specialist
Public Outreach Branch
www.epa.gov/foia

From: Newton, Jonathan
Sent: Monday, April 10, 2017 11:26 AM
To: Calderon, Wanda <Calderon.Wanda@epa.gov>
Cc: Kluesner, Dave <kluesner.dave@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Dolph, Becky <Dolph.Becky@epa.gov>; Hope, Brian <Hope.Brian@epa.gov>
Subject: RE: Scott Pruitt/President Trump FOIA

Hi Wanda,

I apologize for the delay. What is the request tracking number? I have not seen the complete request so my response may not address everything.

Based on your description the request seeks, *"all email sent by Anthony [sic] Tseng (New York, NY) on December 7, 2016 that mention Scott Pruitt; and 2. All email sent by Mr. Tseng on March 28, 2017, that mention or refer to President Trump."* Unless there are additional details I do not see a reason to assign this request to AO; Antony Tseng is a Region 2 employee so his email records should be managed by the Region.

As you are aware it is impossible for AO to process all FOIA requests or other issues under EPA jurisdiction that mention the Administrator. Unless there are specific concerns that originated in AO we must rely on the Agency's Program Offices and Regions to manage issues for which they have delegated authority. To the extent there is national coordination of union activity, that coordination is conducted through OARM. (<http://intranet.epa.gov/ohr/emprelations/unioncontacts.htm>).

Unfortunately, I cannot speak to who conducts the search request for regional records, but please let me know if there additional details to this request that are specific to AO. With regard to your question about union records, Alan Margolis (OGC) has previously indicated that union emails are not automatically excluded from FOIA but may be protected from disclosure based on specific exemptions. I assume he is referring to emails sent using Agency resources.

I hope this helps.

Jonathan V. Newton, Attorney-Advisor
U.S. EPA, Office of the Executive Secretariat
1200 Pennsylvania Avenue, NW (MC 1105A)
Washington, D.C. 20460
(202) 564-6164

From: Calderon, Wanda
Sent: Friday, April 07, 2017 10:17 AM
To: Newton, Jonathan <Newton.Jonathan@epa.gov>
Cc: Kluesner, Dave <kluesner.dave@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Dolph, Becky <Dolph.Becky@epa.gov>
Subject: RE: Scott Pruitt/President Trump FOIA

Hello and good morning Jonathan,

A gentle reminder I'm awaiting guidance on the FOIA from America Rising involving Union rep, Anthony Tseng:

'1. All email sent by Anthony Tseng (New York, NY) on December 7, 2016 that mention Scott Pruitt; and 2. All email sent by Mr. Tseng on March 28, 2017, that mention or refer to President Trump.'

If R2 retains ownership, I imagine it will not be assigned to the program office rather to me for an Outlook search? I'll wait for final instructions in connection to this processing. Thanks!

Wanda Calderon
Government Information Specialist
Public Outreach Branch
www.epa.gov/foia

From: Calderon, Wanda
Sent: Monday, April 03, 2017 12:01 PM
To: Dolph, Becky <Dolph.Becky@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Cc: Kluesner, Dave <kluesner.dave@epa.gov>; Newton, Jonathan <Newton.Jonathan@epa.gov>

Subject: RE: Scott Pruitt/President Trump FOIA

Of course, no problem. I'll wait for Jonathan's guidance. Thanks..

Wanda Calderon
Government Information Specialist
Public Outreach Branch
www.epa.gov/foia

From: Dolph, Becky
Sent: Monday, April 03, 2017 12:00 PM
To: Calderon, Wanda <Calderon.Wanda@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Cc: Kluesner, Dave <kluesner.dave@epa.gov>; Newton, Jonathan <Newton.Jonathan@epa.gov>
Subject: RE: Scott Pruitt/President Trump FOIA

Wanda – I'd hold up until you hear from Jonathan Newton. Other regions are processing themselves. Up to Jonathan.

Becky Dolph | Director, FOIA Expert Assistance Team Office
U.S Environmental Protection Agency
Office of General Counsel | 7309B WJCN | 202-564-5771

From: Calderon, Wanda
Sent: Monday, April 03, 2017 11:59 AM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>; Dolph, Becky <Dolph.Becky@epa.gov>
Cc: Kluesner, Dave <kluesner.dave@epa.gov>
Subject: RE: Scott Pruitt/President Trump FOIA

Ok, I'll assign to AO as instructed. thx

From: Gottesman, Larry
Sent: Monday, April 03, 2017 11:57 AM
To: Calderon, Wanda <Calderon.Wanda@epa.gov>; Dolph, Becky <Dolph.Becky@epa.gov>
Cc: Kluesner, Dave <kluesner.dave@epa.gov>
Subject: RE: Scott Pruitt/President Trump FOIA

Wanda-

Just assign to the AO. They will reach of to you if they need a Region 2 search.

Thanks

Larry F. Gottesman
Agency FOIA Officer

202-566-2162 (Direct line)

202-689-4588 (Mobile)

From: Calderon, Wanda

Sent: Monday, April 03, 2017 10:42 AM

To: Dolph, Becky <Dolph.Becky@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>

Cc: Kluesner, Dave <kluesner.dave@epa.gov>

Subject: Scott Pruitt/President Trump FOIA

Hello and good morning,

I'm seeking guidance in connection with the attached FOIA. Is this request one that HQ will retain ownership of? I believe Anthony Tseng is a Union rep therefore, I'm unsure if communications sought are connected to his Union work or not. If they are connected to his Union work, it is my understanding they are not subject to FOIA as they are not agency records. Is this correct? Should I reassign to HQ or stay w/ownership? Do I need to seek clarification? Thanks for your input.